

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

IKON OFFICE SOLUTIONS, INC.

PLAINTIFF,

vs.

MARTHA SOUTHERLAND AND
ABS BUSINESS SYSTEMS, INC.,

DEFENDANTS.

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CIVIL ACTION NO. 2:05CV959-WKW

**RESPONSE TO ORDER TO SHOW CAUSE REGARDING
NOTICE CONCERNING SETTLEMENT CONFERENCE AND MEDIATION**

Counsel to Plaintiff IKON Office Solutions, Inc. (“Plaintiff” or “IKON”), Duane Morris LLP, hereby submits its Response to the Court’s January 12, 2007 Order to Show Cause (the “Order”) regarding the Notice Concerning Settlement Conference and Mediation (the “Notice”) required by the Uniform Scheduling Order entered on March 20, 2006.

In response to the Order, the December 18, 2006 and December 27, 2006 dates concerning the parties’ settlement conference and the subsequent Notice were inadvertently docketed in the undersigned counsel’s internal docketing system under another matter number (i.e., internal file no. 226), rather than the correct matter number (i.e., internal file no. 342). This inadvertent error resulted, primarily, from the fact that the “other” internal matter concerned another IKON case in the United States District Court for the Northern District of Alabama, specifically, IKON Office Solutions, Inc. v. Hagen et al (the “Hagen Matter”). Because the Hagen Matter (our internal file No. 226) has been settled, and no further action was required for

that matter, the undersigned counsel did not realize that action was required for this case (IKON v. Southerland) on December 18 and 27, 2006.

Accordingly, undersigned counsel apologizes for her error, and for any inconvenience that it may caused the Court. Undersigned counsel will take immediate steps, in strict compliance with the Court's Order, to set up a settlement conference and to file the requisite Notice by January 25, 2007. Undersigned counsel regrets the distraction and judicial attention required to address this unfortunate, inadvertent error and will redouble all efforts to insure that any and all such errors be prevented in the future.

Respectfully submitted,

/s/ Shannon Hampton Sutherland

Thomas T. Loder

Shannon Hampton Sutherland

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Admitted pro hac vice

Attorneys for Plaintiff

IKON Office Solutions, Inc.

CERTIFICATE OF SERVICE

I, Shannon Hampton Sutherland, hereby certify that a true and correct copy of the foregoing Response of Counsel to Plaintiff IKON Office Solutions, Inc. to the Order to Show Cause Regarding Notice Concerning Settlement Conference and Mediation has been served this 12th day of January, 2007, upon counsel of record as follows:

Via ECF to:

Roderick K. Nelson
Jarrod B. Bazemore
Leslie M. Hand
Spain & Gillon, LLC
2117 2nd Avenue North
Birmingham, AL 35203

/s/ Shannon Hampton Sutherland _____
Shannon Hampton Sutherland